

REMARKS

The October 13, 2009 Office Action made a restriction requirement under 35 U.S.C. 121 and 372, alleging that the instant application contains following groups of inventions that are not so linked as to form a single general inventive concept under PCT rule 13.1:

Group A: Claims 1-9, drawn to a device for patterning structures on a substrate,

Group B: Claims 10-16, drawn to a method of patterning structures on a substrate.

Applicants respectfully disagree with the above restriction requirement for the following reasons.

In the Office Action, it is alleged that Jersch et al. (Applied Physics A.64 pp29-32, (1997)) teaches the special technical features of “a system that contains an atomic force microscope with a scanning tip and a light emitting device” being recited by Groups A and B of the present invention. However, Applicants submit that the special technical features of Groups A and B are not limited to the above aspect. For example, Groups A and B contain additional special technical features of, among others, requiring “a space being filled with a vapour of a material suitable for deposition”, and “an electromagnetic field that is strong enough to decompose the vapour”. It is respectfully submitted that the Office Action has not applied PCT rule 13.2 to the entire set of special technical features that are common to Groups A and B of claims of the present invention.

In view of this, Applicants provisionally select, with traverse, claims 10-16 of the alleged Group B for continued prosecution on the merit. Applicants reserve the rights to prosecute claims 1-9 of the alleged Group A, and other patentable matters, in the current application should the Examiner agree to withdraw current restriction requirement, or in one or more divisional and/or continuation applications.

No fees are believed to be due in connection with this paper. However, if there is any such fee due, please charge any such fee to deposit account No. 09-0458.

Respectfully submitted,

/Yuanmin Cai/

Yuanmin Cai, Ph.D.
Agent for Applicants
Registration No. 56,513

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INTERNATIONAL BUSINESS MACHINE CORPORATION

Intellectual Property Law Department, East Fishkill

2070 Route 52, Bldg-321, Zip-482

Hopewell Junction, NY 12533

Tel: (845) 894-8469

Fax: (845) 892-6363